

*** PROPOSED AMENDMENT ***
*** SUBMITTED FOR DISCUSSION PURPOSES ONLY***

REMARKS / ARGUMENTS

This proposed amendment is being submitted to facilitate a discussion of the claims and the outstanding Office Action during a telephone interview scheduled for April 28, 2004.

In various embodiments of the present invention, during down time which occurs, e.g., during a boot up sequence or the initial portion of time in which a Web browser is executed, during which a wireless terminal is not ready for use by a user, advertisements are displayed to the user. (See, e.g., bottom of Page 10 of the Application and middle paragraph on Page 9 and middle of page 11) The downtime may last for many seconds, e.g., 5, 15, or 30 seconds or even longer. The advertisements displayed during this downtime may have been downloaded when the wireless terminal was previously active and stored in memory or may be downloaded during the current activation process. (See, e.g., Application Page 8)

In contrast to the present invention, the applied references do not disclose the displaying of advertisements during the down time associated with a boot up process of a wireless terminal or during the start of Web browser execution during which a user can not access the Internet. In fact, rather than putting down time to use, U.S. Patent No. 5,410,326 to Goldstein et al. teaches that such downtime should be avoided and/or eliminated.

For example, the Goldstein et al. patent states at col. 12, lines 54-61:

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The capacitance receiver 92 responds to any handling of the remote control device. **The capacitance receiver 92 generates a power on/off signal for the device so that as soon as the consumer handles the device, the unit is fully powered and operational.** The fully powered operation state may also generate an IR command to any household device for setting a particular operation condition for the device. (Bold added for emphasis)

Thus, the Goldstein patent teaches avoiding downtime not using it in the manner recited in the pending claims.

In view of the amendments to claim 1, claim 1 is clearly patentable over the applied references. In particular claim 1 is patentable because, as amended, claim 1 recites:

A method for displaying advertisements on a wireless terminal, wherein said wireless terminal includes a display, the method comprising the steps of:

performing a wireless terminal activation operation in response to said wireless terminal being activated by a user, said activation operation including executing a program, a portion of time in which said activation operation is performed being down time in which said wireless terminal is not ready for use by said user;
and

displaying said advertisement data on said terminal's display during at least a portion of said activation time during which said program is executed and during which said wireless terminal is not ready for use by said user.

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Conclusion

Applicants' undersigned representative thanks the Examiner for the opportunity to discuss the pending application and outstanding rejections in the scheduled telephone interview.

Respectfully submitted,

April 26, 2004

Michael P. Straub, Attorney
Reg. No. 36,941
Tel.: (732) 542-9070